

### **REMARKS**

Claims 20, 23-36, 38 and 40-51 are pending in the application. Claims 20, 23-30, 32-36, 38, 40, 41 and 43-51 are rejected, claim 31 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claim 42 is indicated to be allowable.

With this response claims 20, 23, 35, 44-46, and 48-49 are amended. The other remaining claims in the application are unchanged.

Claims 20, 23-30, 34-36, 38, 41, 43-49 and 50 are rejected under 35 U.S.C. § 103(a) as unpatentable over Dietrich (U.S. Patent No. 649,916) in view of Brown (U.S. Patent No. 5,697,650). Claims 23-30, 34-36, 38, 41, 44 and 46 are rejected under 35 U.S.C. § 103(a) as unpatentable over Munley et al. (U.S. Patent No. 5,873,611) in view of Brown. Claims 33 and 40 are rejected under 35 U.S.C. § 103(a) as unpatentable over Dietrich in view of Brown, in further view of Wenk (U.S. Patent No. 4,128,918). Claim 30 is additionally rejected under 35 U.S.C. § 112, second paragraph as being indefinite.

#### **I. CLAIM REJECTIONS UNDER § 112**

Claim 30 is rejected under § 112, second paragraph because it is unclear what is meant by "the end that receives the nut the bolt comprises." Applicant respectfully submits that claim 30 is definite, because it is clear that this phrase recited in claim 30 means the non-threaded portion is located at the end of the bolt that receives the nut. Therefore, withdrawal of this rejection is requested.

#### **II. REJECTION OF CLAIMS UNDER § 103 OVER DIETRICH IN VIEW OF BROWN**

##### **CLAIM 20 IS NOT TAUGHT OR SUGGESTED BY DIETRICH IN VIEW OF BROWN**

Claim 20 is amended to include the limitation that "projections are provided on the bifurcation and corresponding indentations are provided in the nut so as to mate the bifurcation to the nut when the nut and bolt are tightened." This limitation claimed in

amended claim 20 is neither taught nor suggested by Dietrich in view of Brown. Dietrich only discloses a rib *b'* on the nut, which enters a groove *c'* in the face of the lug, and does not teach or suggest that a projection can be provided on the bifurcation and an indentation provided in the nut. See page 1, lines 64-69; Fig. 3. Brown also does not teach or suggest projections on the bifurcation and indentations in the nut so that the bifurcation is mated to the nut when the nut and bolt are tightened.

The embodiment disclosed by Brown with the projection **266** on the clamp is different from claim 20 in that no bifurcation is disclosed or suggested. See Figure 10A & 10B. The projection **266** is a semi-sphere with a hole down the center for a bolt to pass through. It is evident that tightening of the nut on the bolt will not mate the projection **266** to the bolt, as currently claimed in amended claim. In addition, Dietrich only teaches projections on a nut to prevent the ears *c* from being forced apart, but fails to teach or suggest that the ears *c* are made tighter around the bolt. Therefore, one of ordinary skill could not combine the references cited by the examiner to arrive at amended claim 20, because the cited references fail to teach or suggest all the claim limitations. Withdrawal of the rejection to claim 20 is requested.

#### **CLAIM 23 IS NOT TAUGHT OR SUGGESTED BY DIETRICH IN VIEW OF BROWN**

Claim 23 is amended to include a limitation similar to amended independent claim 20. Amended claim 23 now recites a clamp “wherein projections are provided on the seat and corresponding indentations are provided in the nut so as to mate the prongs to the nut when the nut and bolt are tightened.” For the same reasons discussed above in relation to claim 20, this limitation claimed in amended claim 23 is neither taught nor suggested by Dietrich in view of Brown. Claim 23 is not obvious because the cited references fail to teach or suggest all the limitations of claim 23. Therefore, withdrawal of the rejection to claim 23 is requested.

Furthermore, dependent claims 24-31, 33-34 and 50 depend directly or indirectly from independent claim 23, contain all the limitations recited therein, and are patentable at least in view of their dependencies. Therefore, withdrawal of the rejections to these

dependent claims is requested.

**CLAIMS 35, 44, 45, 46, 48 AND 49 ARE NOT TAUGHT  
OR SUGGESTED BY DIETRICH IN VIEW OF BROWN**

Independent claim 35 is amended to include a limitation similar to amended independent claim 20. Amended claim 35 now recites a nut and seat assembly for a clamp “wherein projections are provided on the seat and corresponding indentations are provided in the nut so as to mate the prongs to the nut when the nut and bolt are tightened.” For the same reasons discussed above in relation to claim 20, this limitation claimed in amended claim 35 is neither taught nor suggested by Dietrich in view of Brown. Claim 35 is not obvious because the cited references fail to teach or suggest all the limitations of claim 35. Therefore, withdrawal of the rejection to claim 35 is requested.

Furthermore, dependent claims 36, 38, 40 and 41 depend directly or indirectly from independent claim 35, contain all the limitations recited therein, and are patentable at least in view of their dependencies. Therefore, withdrawal of the rejections to these dependent claims is requested.

Independent claims 44, 45, 46, 48 and 49 are all amended to include a limitation similar to amended independent claim 35. For the same reasons discussed above in relation to claim 35 amended independent claims 44, 45, 46, 48 and 49 are neither taught nor suggested by Dietrich in view of Brown. Therefore, withdrawal of the rejections to these claims is requested.

Furthermore, dependent claim 51 depends directly from independent claim 45, contains all the limitations recited therein, and is patentable at least in view of its dependency. Therefore, withdrawal of the rejections to claim 51 is requested.

**CLAIM 43 IS NOT TAUGHT OR SUGGESTED BY DIETRICH IN VIEW OF BROWN**

Claim 43 recites a pipe clamp wherein further projections extend from the second end of one of said first and second parts and prevent overclosing of the clamp.

Neither Dietrich nor Brown teach or suggest projections that extend from a part of the clamp to prevent overclosing of the clamp. Claim 43 is patentable because the cited references fail to teach or suggest all of the limitations claimed in claim 43, and withdrawal of the rejection to claim 43 is requested.

**CLAIM 47 IS NOT TAUGHT OR SUGGESTED BY DIETRICH IN VIEW OF BROWN**

Claim 47 recites a pipe claim “wherein a concave recess provided on an inside surface of the nut cooperates with a convex portion or portions on the end part of through which the bolt passes so that tightening the bolt urges the bifurcation together.”

Dietrich in view of Brown fail to teach or suggest a concave recess on a nut, and a convex portion on a bifurcation that mate so that the bifurcation is urged together. While Brown does disclose a concave nut **256N** and a convex portion **266** on the clamp, Brown fails to teach or suggest a convex bifurcation. See Figures 10A & 10B. Since the convex portion **266** is circular in shape is not possible for this portion to be *urged together*, as claimed in claim 47.

Furthermore, Dietrich only discloses projections on the nut, and indentations on the clamp that prevent ears *c* from being forced apart. See page 1, lines 56-59. The nut has concentric corrugations consisting of a rib *b'* on the nut, and a groove *c'* on the clamp. See page 1, lines 62-64. While these corrugations hold the ears *c* in place, it is not possible for the rib *b'* and groove *c'* to urge the ears *c* together because the rib *b'* and groove *c'* are concentric. In contrast, the concave surface of the nut can cooperate with the convex portion of the clamp to urge the bifurcation together, because as the nut is tightened the concave surface of the nut exerts an inward force upon the convex portion of the clamp. Therefore, one of ordinary skill could not combine the references cited by the examiner to arrive at claim 47, because the cited references fail to teach or suggest all the claim limitations. As such, withdrawal of the rejection to claim 47 is requested.

### **III. REJECTION OF CLAIMS UNDER § 103 OVER MUNLEY IN VIEW OF BROWN**

#### **CLAIM 23 IS NOT TAUGHT OR SUGGESTED BY MUNLEY IN VIEW OF BROWN**

Claim 23 recites a clamp “wherein projections are provided on the seat and corresponding indentations are provided in the nut so as to mate the prongs to the nut when the nut and bolt are tightened.” This limitation is neither taught nor suggested by Munley in view of Brown. The nut **104** disclosed by Munley does not have any indentations for mating with the retaining surfaces **64**. See Figures 6 & 11. In addition, Munley does not teach or suggest a seat with projections, but rather discloses a retaining surface **64** for receiving the nut **104** that is curved in a direction opposite to the bottom surface of the nut **104**. See column 5, lines 33-35; Figure 11.

Brown also fails to teach or suggest projections on the bifurcation and indentations in the nut so that the bifurcation is mated to the nut when the nut and bolt are tightened. The embodiment disclosed by Brown with the projection **266** on the clamp is different from claim 23 in that no bifurcation is disclosed or suggested. See Figure 10A & 10B. The projection **266** is a semi-sphere with a hole down the center for a bolt to pass through. It is evident that tightening of the nut on the bolt will not result in any tightening of the projection **266** relative to the bolt, as currently claimed in amended claim 23 by mating the bifurcation to the nut. Therefore, the cited references fail to teach or suggest all the limitations of claim 23, and withdrawal of the rejection to claim 23 is requested.

Furthermore, dependent claims 24-31 and 33-34 depend directly or indirectly from independent claim 23, contain all the limitations recited therein, and are patentable at least in view of their dependencies. Therefore, withdrawal of the rejections to these dependent claims is requested.

#### **CLAIMS 35, 44 AND 46 ARE NOT TAUGHT OR SUGGESTED BY MUNLEY IN VIEW OF BROWN**

Claims 35, 44 and 46 are all amended to contain a limitation similar to claim 23. Therefore, for the same reasons discussed above in relation to claim 23, claims 35, 44

and 46 are patentable over the cited references, and withdrawal of the rejections to these claims is requested.

Furthermore, dependent claims 36, 38, 40 and 41 depend directly or indirectly from independent claim 35, contain all the limitations recited therein, and are patentable at least in view of their dependencies. Therefore, withdrawal of the rejections to these dependent claims is requested.

#### **IV. OBJECTION TO CLAIM 31**

Claim 31 is objected to as being dependent upon a rejected base claim. For the reasons discussed above, independent claim 23, from which claim 31, is patentable. Therefore, applicant does not wish to rewrite dependent claim 31 in independent form.

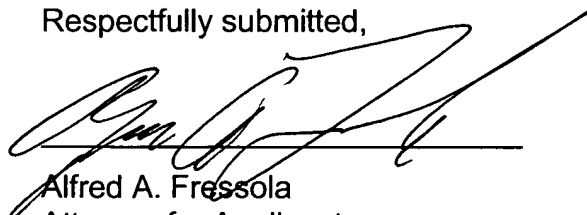
#### **CONCLUSION**

The rejections and objections of the Office Action having been shown to be inapplicable or obviated by amendment, withdrawal thereof is requested, and passage of the claims to issue is earnestly solicited.

The undersigned respectfully submits that no fee is due for filing this Amendment. The Commissioner is hereby authorized to charge to deposit account 23-0442 any fee deficiency required to submit this paper.

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Respectfully submitted,



Alfred A. Fressola  
Attorney for Applicant  
Reg. No. 27,550

WARE, FRESSOLA, VAN DER SLUYS  
& ADOLPHSON LLP  
Bradford Green, Building Five  
755 Main Street, P.O. Box 224  
Monroe, CT 06468  
Telephone: (203) 261-1234  
Facsimile: (203) 261-5676  
USPTO Customer No. 004955